In the Supreme Court of the United States.

OCTOBER TERM, 1897.

A. B. WHITE, COLLECTOR OF INTERNAL Revenue, et al., appellants, *v.* H. C. BERRY.	No. 539.
SAME *v.* WILLIAM BUTLER.	No. 540.
SAME *v.* J. G. RUCKMAN.	No. 541.

MOTION TO ADVANCE.

Now comes the Solicitor-General in behalf of the appellants and moves the court to advance these cases upon the docket and set them down for hearing at the present term, for the following reasons:

First. The three cases involve substantially the same question and will be argued together. The importance of an early decision in these cases is set forth by letter

from the Commissioner of Internal Revenue of which the following is a copy:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER
OF INTERNAL REVENUE,
Washington, D. C., January 27, 1898.

To the honorable the
SECRETARY OF THE TREASURY.

SIR: There are three cases now pending in the Supreme Court of the United States, appeals from the circuit court of the United States for the district of West Virginia. The cases are A. B. White, collector of internal revenue for the district of West Virginia et al., appellants, against H. C. Berry; the same against William Butler; the same against J. G. Ruckman, being numbered respectively 539, 540, and 541 on the docket of the Supreme Court.

These cases involve the question of the right of the Commissioner of Internal Revenue under the statutes to relieve, transfer, and assign internal-revenue gaugers, internal-revenue storekeepers, and other subordinate officers of the internal-revenue service in the discharge of their duties as such internal-revenue officers in the respective internal-revenue districts throughout the country.

These cases are based upon orders of the Commissioner of Internal Revenue relieving certain storekeepers and gaugers in the district of West Virginia at distillery warehouses, and assigning other storekeepers and gaugers to duty in their places at said warehouses. Thereupon the district judge sitting in the circuit court of West Virginia has issued a perpetual injunction against the collector and others enjoining the operation of said orders of the Commissioner of Internal Revenue.

It is of the utmost importance that the rights of the Commissioner and his duty under the circumstances, and also of the collector in this matter, be passed upon, and determined definitely, by the Supreme Court at the earliest possible moment.

Respectfully, yours, N. B. SCOTT,
Commissioner.

[Indorsement.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
January 27, 1898.

Respectfully referred to the Honorable Attorney-General with the request that for the reason given this case be heard at the earliest practicable time.

L. J. GAGE, *Secretary.*

Second. The cases involve the construction of sections 3154 and 3163 of the Revised Statutes, and the powers and duties of the Commissioner of Internal Revenue with respect to the transfer and assignment of internal-revenue storekeepers and gaugers; and further, the effects of the act of 1883, known as the civil-service act, and the Executive orders from time to time made and issued thereunder, upon the duties of the Commissioner of Internal Revenue under the said sections, and also as to whether the courts of the United States can by injunction restrain the collectors of internal revenue in the various districts, or the Commissioner of Internal Revenue acting through the collectors, from relieving from duty storekeepers and gaugers, or from assigning these officers to duty or transferring them from one place of duty to another.

Counsel for appellees have filed a written consent to the granting of this motion.

JOHN K. RICHARDS,
Solicitor-General.